

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

Priscilla Sterling, Raine Becker, Shawn
Miller, and John Bennett, individually and on
behalf of all others similarly situated,

Case No.: 3:22-cv-531-KHJ-MTP

Plaintiffs,

v.

The City of Jackson, Mississippi; Chowke A.
Lumumba; Tony Yarber; Kishia Powell;
Robert Miller; Jerriott Smash; and
Trilogy Engineering Services, LLC,

Defendants.

**DEFENDANT, TRILOGY ENGINEERING SERVICES, LLC’S MOTION TO STRIKE
PARAGRAPH 204 OF PLAINTIFFS’ AMENDED CLASS ACTION COMPLAINT FOR
INJUNCTIVE RELIEF AND MONEY DAMAGES WITH JURY TRIAL DEMAND**

Defendant, Trilogy Engineering Services, LLC (“Trilogy”), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 12(f) and L.U. Civ. R. 7, hereby files its Motion to Strike Paragraph 204 of Plaintiffs’ Amended Class Action Complaint for Injunctive Relief and Money Damages with Jury Trial Demand, ECF 57 (the “Complaint”), and in support thereof states as follows:

1. This lawsuit is about alleged lead contamination in drinking water provided by the City of Jackson (“City”) to its residents, including Plaintiffs. *See generally* Complaint [ECF 57]. The Complaint claims that the named Defendants – including Trilogy, the City, and related government employees – made decisions that allegedly led to Plaintiffs’ exposure to harmful levels of lead in the City’s drinking water.

CASE NO.: 3:22-cv-531-KHJ-MTP

2. Plaintiffs assert two Counts against Trilogy: Count III for professional negligence and Count IV for negligence. However, Plaintiffs' allegations against Trilogy at Paragraphs 204 of the Complaint consist of impertinent, immaterial, and scandalous matters that have no relevance nor relationship to the claims set forth against Trilogy and are highly prejudicial to Trilogy's ability to defend itself against Plaintiffs' claims and should therefore be stricken from the Complaint.

3. In support of this Motion, Trilogy relies upon the supporting memorandum of law filed concurrently herewith.

WHEREFORE, Trilogy Engineering Services, LLC respectfully requests this Court to enter an Order granting Trilogy's Motion to Strike Paragraph 204 of Plaintiffs' Complaint as impertinent, immaterial, and scandalous, and for any further relief as this Court may deem just and proper.

This, the 29th day of June, 2023.

Respectfully submitted,

By: /s/ Davide Macelloni
Davide Macelloni (FSB No. 1010884)
Richard G. Daniels (FSB No. 236896)
DANIELS, RODRIGUEZ, BERKELEY
DANIELS & CRUZ, P.A.
Attorneys for Trilogy Engineering Services,
LLC
4000 Ponce De Leon Blvd., Ste. 800
Coral Gables, FL 33146
(305) 448-7988
dmacelloni@drbdc-law.com

CASE NO.: 3:22-cv-531-KHJ-MTP

/s/ D. Jason Childress
D. Jason Childress (MSB No. 103678)
FLETCHER & SIPPEL LLC
Attorneys for Trilogy Engineering Services,
LLC
4400 Old Canton Road
Suite 220
Jackson, MS 39211-5982
P: 601-414-6010
jchildress@fletcher-sippel.com

CERTIFICATE OF SERVICE

I, Davide Macelloni, one of the attorneys for Defendant Trilogy Engineering Services, LLC, hereby certify that I have this day served a true and correct copy of the above and foregoing document by filing it using the ECF system which sent notice of such filing to all counsel of record.

SO CERTIFIED, this the 29th day of June, 2023.

/s/ Davide Macelloni
Davide Macelloni, Esq.